IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6821 of 1999

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GSRTC

Versus

USMANKHAN A PATHAN

Appearance:

MR HARDIK C RAWAL for Petitioner

MR MUKESH H RATHOD for Respondent No. 1

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 24/01/2000

ORAL JUDGEMENT

1. On a joint request of learned counsel for the respective parties this petition is taken up for hearing today.

2. I have heard the learned counsel for the

respective parties, carefully perused the judgement and award and have referred to such oral and other evidence on record to which my attention has been drawn.

3. As a result of the hearing and discussion it was put to learned counsel for the respective parties as to whether the order of punishment as imposed by the Labour Court could be modified by increasing the punishment without interfering with the findings of fact recorded by the Labour Court.

3.1 In this context learned counsel for the respective parties have gracefully accepted the suggestion made by the court and have agreed that since the respondent workman had reached the age of superannuation during the pendency of the award, obviously there was no question of granting any reinstatement, whether under the award or otherwise. The Labour Court has, however, granted 50% backwages from the date of termination i.e. from 20th August 1996 upto the date of superannuation i.e. 27th October 1998. In respect of these backwages in respect of the specified period, it is directed by consensus that the respondent workman shall not be entitled to any such backwages. It is further clarified that the workman shall otherwise be entitled to claim and obtain other retirement benefits to which he may be entitled to under the law.

4. It is accordingly so held and directed. This petition is, therefore, partly allowed. Rule is made absolute to the aforesaid extent with no order as to costs.

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